

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JOHN J. DIAMONT, JR.,

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S MOTION FOR LEAVE TO FILE SECOND  
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF HIS MOTION *IN LIMINE*  
TO EXCLUDE DISPUTED INVOICES AND DISPUTED CHECKS**

Pursuant to Local Rule 7.1(B)(3), defendant John Diamont moves for leave of Court to file a Second Supplemental Memorandum in Support of His Motion *In Limine* to Exclude Disputed Invoices and Disputed Checks. The government again, this week, after five months' worth of requests, has produced additional evidence that is both highly exculpatory and serves to directly refute the admissibility of the Disputed Evidence that is the subject of the defendant's Motion *In Limine*. For the reasons set forth in greater detail in the Second Supplemental Memorandum that the defendant has filed herewith, the defense believes it is extremely important for the Court to have access to this newly produced evidence in deciding the defendant's Motion *In Limine* and in deciding whether to conduct an evidentiary hearing on that Motion. The Second Supplemental Memorandum is limited to discussing the significance of this newly produced evidence.

WHEREFORE, the defendant asks the Court to grant him leave to file the Second Supplemental Memorandum in support of his Motion *In Limine* that he has submitted herewith.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen  
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Dated: September 14, 2006

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have attempted to confer with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. Counsel for the government was unavailable to confer regarding this Motion.

/s/ Lauren M. Papenhausen

**CERTIFICATE OF SERVICE**

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 14, 2006.

/s/ Lauren M. Papenhausen

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